

## What the student learns

The intent of server training is to help servers/sellers of alcohol develop the knowledge and skills that support responsible alcohol service. Classes cover the following topics:

- Why training is important
- A servers/sellers responsibility
- Effects of underage alcohol use
- Effects of underage tobacco use
- Hours of operation
- Forms of liability
- Reasonable effort
- Developing company policy
- How to identify minors
- Acceptable forms of identification

## How the class is taught

The Department of Revenue (DOR) administers the course by certifying community trainers across the state to teach the server education course. The DOR designs, reviews and updates the model curriculum, issues certificates of training and maintains training records. To assure accurate, quality instruction, the DOR regularly monitors class evaluations and each trainer is required to attend an 8 hour train-the-trainer session, pass a certification exam and re-certify every two years.

## How to find a class

To check for a trainer or class in your area check our website at [www.AlcoholServerTraining.mt.gov](http://www.AlcoholServerTraining.mt.gov). A list of other state pre-approved responsible alcohol sales training programs can also be found on the website.

## How to become a trainer:

The Department of Revenue is always looking to recruit more trainers. In order to become a trainer you must take a train-the-trainer course and pass the certification exam. Trainers are required to re-certify every two years. Trainers are provided with a training manual, training aides, PowerPoint presentation and a master copy of each handout.

## What is required of a trainer?

- Teach at least two classes per year
- Register scheduled classes
- Send in a copy of the class sign-in sheet and course evaluation.

**Interested? Call (406) 444- 4307**

Department of Revenue  
Liquor Control Division  
P.O. Box 1712  
2517 Airport Road  
Helena, MT 59624

Phone: (406)444-4307 Fax: (406)444-0718  
E-mail: [AlcoholServerTraining@mt.gov](mailto:AlcoholServerTraining@mt.gov)

Striving for Responsible  
Sales and Service

## RESPONSIBLE ALCOHOL SALES AND SERVICE TRAINING



**Let's Control It**  
ALCOHOL RESPONSIBILITY MATTERS

(406) 444-4307  
[www.AlcoholServerTraining.mt.gov](http://www.AlcoholServerTraining.mt.gov)

## ALCOHOL EDUCATION



For owners and employees in the industry, you need to know your legal responsibilities and liabilities

regarding alcohol sales and service at all venues. The alcohol education program offers comprehensive education on these responsibilities and liabilities.

Through its responsible alcohol sales and service training, the program provides tips on how to spot fake identification, deal with alcohol misuse and handle difficult or troublesome situations. This training helps to enhance the cooperation between local law enforcement officials and the sales and service industry. All making your job easier and quality of life for all Montana's better.

### Why training is important

Retailers are one line of defense in preventing underage sales of alcohol and preventing over-service. Clerks and servers can make or break an illegal sale. Retailers have

responsibilities for proper sales and service of alcohol in their communities and training can help reinforce that responsibility. Training can also reduce personal liability and risk in the case of a lawsuit or injury as well as possible protection from legal consequences.

Through the training, owners and servers will learn that a reasonable effort should be made to prevent intoxication in customers, prevent alcohol sales to minors and to intervene when an intoxicated customer is encountered.

### Liability

The license holder carries the primary legal responsibility for compliance with alcohol laws. However, individual staff members can also be charged and convicted when they violate these laws.

The question that inevitably arises pertains to how drunk the patron was. Would a reasonable person be able to determine that the patron was obviously intoxicated? Was the patron overserved to the point of intoxication?

Owners and employees should have the proper training and skills to address these issues and protect themselves. Server training can provide the skills and knowledge needed to make these determinations.

*People who serve alcohol can be a positive force in reducing alcohol related problems*

### Server training enhances public health and safety by:

- Educating licensees and servers about Montana liquor laws
- Providing information to servers to protect them from third party liability lawsuits
- Reducing illegal alcohol sales to minors
- Promoting responsible consumption
- Reducing the number of drunk drivers
- Reducing alcohol abuse
- Creating partnerships to help achieve the goal of responsible alcohol sales and consumption in our communities

### WE ARE ALL PIECES OF THE SAME PUZZLE



**WORKING TOGETHER, WE CAN MAKE THE PIECES FIT**

# Unofficial Draft Copy

As of: August 20, 2010 (5:00pm)

LC03-R

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the Law and Justice Interim Committee

STAFF NOTES: The committee's actions on June 30, 2010, were to:

(1) amend the title to "generally provide for the licensure of persons selling or serving alcoholic beverages" and to strike the remainder of the title;

(2) strike the WHEREAS clauses;

(3) change the refresher training requirement in section 5 to every 5 years instead of annually; and

(4) strike section 7, which specified the criteria for the department's approval of privately provided training programs and for a training certification fee.

To conform with bill drafting style, "licensure" in the title was replaced with "training" (the bill doesn't provide for licensure of servers or sellers), the penalty language in the title was retained because the penalty section remains in the bill, and all references in the bill to department approval of training programs were eliminated.

A Bill for an Act entitled: "An Act generally providing for the training of persons selling or serving alcoholic beverages; and providing a penalty."

Be it enacted by the Legislature of the State of Montana:

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As of: August 20, 2010 (5:00pm)

LC03-R

1        NEW SECTION.    **Section 1.    Short title.** [Sections 1 through  
2    8] may be cited as the "Responsible Alcohol Sales and Service  
3    Act".  
4

5        NEW SECTION.    **Section 2.    Legislative intent.** It is the  
6    intent of [sections 1 through 8] that retail establishments  
7    licensed to serve or sell alcoholic beverages ensure employees  
8    and supervisors are appropriately trained to comply with state  
9    law prohibiting the sale or service of alcoholic beverages to  
10   persons under 21 years of age and to persons who are intoxicated.  
11

12       NEW SECTION.    **Section 3.    Licensee definition.** As used in  
13   [sections 1 through 8], "licensee" means a person or entity  
14   licensed by the department to sell alcoholic beverages at retail  
15   for either on-premises or off-premises consumption.  
16

17       NEW SECTION.    **Section 4.    Training plan required.** An  
18   applicant for initial licensure or for renewal, transfer, or  
19   reinstatement of a retail license to sell or serve alcoholic  
20   beverages for on-premises or off-premises consumption shall  
21   submit to the department an employee training plan demonstrating  
22   how the applicant intends to comply with the provisions of  
23   [section 5].  
24

25       NEW SECTION.    **Section 5.    Licensees required to ensure**  
26   **training and post signs.** Each licensee shall:

27       (1)    require each employee who is authorized to sell or

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LC03-R

1 serve alcoholic beverages in the normal course of employment and  
2 the employee's immediate supervisor to successfully complete as a  
3 condition of employment training within 60 days of the employee's  
4 hire date and every 5 years after the employee's initial  
5 training;

6 (2) maintain employment records verifying employee  
7 completion of the training required in subsection (1); and

8 (3) post signs on the licensee's premises informing  
9 customers of the licensee's policy against selling or serving  
10 alcoholic beverages to any person under 21 years of age and to  
11 any person who is intoxicated.  
12

13 NEW SECTION. **Section 6. Responsible server and sales**  
14 **training program.** The department shall establish a responsible  
15 server and sales training program consisting of a train-the-  
16 trainer program for volunteer trainers.  
17

18 NEW SECTION. **Section 7. Penalty.** A licensee found during a  
19 routine check for compliance with 16-6-304 or 16-6-305 to be out  
20 of compliance with [section 5(1) or (2)] shall pay a \$50 fine for  
21 each employee subject to [section 5(1)] who either did not  
22 successfully complete the required training or whose training  
23 certificate is not current as required in [section 5(1)]. The  
24 fine must be paid to the department and deposited to the  
25 enterprise fund to the credit of the department for  
26 administration of [sections 1 through 8].  
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NEW SECTION. **Section 8. Rulemaking.** The department shall adopt rules to implement the provisions of [sections 1 through 8].

NEW SECTION. **Section 9. {standard} Codification instruction.** [Sections 1 through 8] are intended to be codified as an integral part of Title 16, chapter 4, and the provisions of Title 16, chapter 4, apply to [sections 1 through 8].

- END -

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